## Hawaiian Gazette.

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## Dawaiian Gazette

EST MODUS IN REBUS.

## 10-PAGE EDITION

TUESDAY, . AUGUST 18, 1891.

CHNSUS REPORT. Population of the Hawaiian Islands, Census of December 28, 1890.

		dates.	emales.	otals.
Ī	Natives	18,364	16,072	34,436
	Half-Castes	3,985	3,101	6,186
	Americans	1,298	3,586	7,495 1,928
à.	British	982	362	1,344
Germ	Germans	729	305	1.034
	French		24	70
	Portuguese	4,770	3,832	8,602
	Norwegiaps	155	72	227
1	Chinese	14,520	779	15,301
	Japanese	10,079	2,281	12,360
	Polynesians	404	184	588
J	Other Nationalities	371	48.	419
	Totals	58,714	31,276	89,990
	Salva called			-

### Chinese per "Pactolus" ..... 436 WHEN WE GET THERE.

On the fairty-second day of the thir-teenth month or the eighth day of

They are there in the limbo of Lollipop land, a cloud island resting in air, On the Nowhere side of the Mountain of

Mist in the Valley of Overthere. On the Nowhere side of the Mountain of Mist in the Valley of Overthere, On a solid vapor foundation of cloud are palaces grand and fair;

26 and 28 California St., San Francisco. And there is where our dreams will will grow, On the thitherward side of the Hills of Hope, in the hamlet of Hocus Po.

Notary Public, On the thitherward side of the Hills of Hope, in the hamlet of Hocus Po, see, and know all we care to know, For there the old men will never lament, the babies will never squeak, In the Cross Road Corners of Chaos-

In the Cross Road Corners of Chaos-ville, in the County of Hideandgo-

On the thirty-second day of the thirteenth month or the eighth day or the week.

do, and accomplish all that we try On the sunset shore of Sometimeorother, by the beautiful Bay of Bimeby. -[Yankee Blade.

Facts.

The poet Tennyson can take a worthless sheet of paper and by writing a poem on it make it worth \$65,000. That's genius.

Vanderbilt can write a few words on a sheet of paper and make it worth \$5,000,000. That's capital. The United States can take an ounce and a quarter of gold and stamp upon it an "eagle bird" and

make it worth \$20. That's money. The mechanic can take material worth \$5 and make it into a watch worth \$100. That's skill.

worth seventy-five cents and sell it for \$1. That's business.

foolishness. The ditch digger works ten hours a day and shovels three or four tons of earth for \$2. That's labor. The editor of this paper could write a check for \$80,000,000, but it would not be worth a nickel. That's rough.-The Bookkeeper.

Australasia's Population. Mr. H. Hayter, Government Statist, has issued a return giving the

population of Australasia, as shown by the census, as follows: 
 Victoria
 1,140,405

 New South Wales
 1,134,207

 Queensland
 393,938

 South Australia
 320,006

 Western Australia
 49,835
 Total for five colonies ..... 3,038,391 

Total population of Australasia..... 3,511,888 A considerable increase is expected in the New South Wales figures when the final returns are made up, but it is not expected they will equal those of Victoria.

The smallest of all the States, Rhode Island, has the largest population per square mile, or 318,44 persons. The figures of the last census show that if the whole Union were as densely populated it would contain 945,766,800 inhabi-

In the Supreme Court of the Hawaiian Islands.

In Banco.

JULY TERM, 1891.

THE QUEEN VS. YOUNG QUAL.

PRESENT, JUDD, C. J., BICKERTON AND DOLE, J. J.; M'CULLY, J., ABSENT.

The Supreme Court has concurrent juris-diction with the Police and District Courts over an assault with a weapon that the committing magistrate was of opinion that the penalty which he was authorized to impose was inadequate. The fact of such commitment affords the conclusive presumption of law that such was his opinion.

An indictment charging the dedangerous to life upon one Chin sented against him the defendant, Arrivals of Japanese since Census... 6,011 on the first day of the term. The Departures of Japanese since Census. 538 indictment was signed by the Attorney-General and a true bill found by Mr. Justice Dole presiding at the term. The defendant demurred to the jurisdiction and submits that "the Court had and has no right to find a true bill against the defen-dant herein, for the reason that the jurisdiction of the Supreme Court to entertain this cause does not appear does it appear that the offense stated in said indictment is of a character or quality such as gives this Court authority to hear or try the defen-dant upon said charge." The plea was overruled and exceptions taken and brought to this Court.

By the Penal Code Section 8 of Chapter IX., the offense of assault or assault and battery with a knife, sword cane or other weapon obvicome true and the seeds of our hopes ously and imminently dangerous to life is punishable by fine not exceeding \$500 and imprisonment at hard labor not exceeding five years. By Chapter LIL of the Penal Code the Police Court and District Courts We shall see all things that we want to have jurisdiction for the prosecution, trial and sentence to punishment of any person charged, inter alio, with "any assault and battery coming under the 9th section of the ville, in the County of Hideandgo-

9th chapter of the Penal Code." It follows that the Supreme Court BEFORE JUDD, C. J., BICKERTON AND had by the general law jurisdiction of the case. The requisites of the law as to commitment, presentation of indictment to the presiding judge and his finding a true bill have been

complied with.

Certain Acts of the Legislature, to upon the Police and District Courts where the offense is not of a highly is an infant of the age of four or five aggravated character the Police and years. The Court sustained this District Courts may purson the pres of infancy and the plaintiff apoffender by a fine not exceeding two peals to this Court.

sions of law. The merchant can take an article tion and proceed to judgment if it person to whom lease was made? finds the offense to be not of a high- The Chief Justice found the facts to ly aggravated character or to com- be as follows: mit forthwith if it finds the offense I am of the opinion, on the evifortable bonnet for \$3.75, but she to be of such a character that the dence, that the real plaintiff is Chin prefers one that costs \$27. That's punishment it is authorized to in- Hee, the son of Wai Lam, aged flict would be inadequate. In this about four years. case the magistrate has committed The Chinaman who personated

the evidence upon which the com- himself in a certain road controversy mitment is founded, which he is re- last year, at Ewa, before the Comquired to send to the Attorney-General. This transcript has been repeatedly held to be no part of the record in the Court to which the commitment is made.

It must be borne in mind that the ture, we are of opinion that the find-Supreme and Circuit Courts have ori-ginal criminal jurisdiction co-exten-well sustained by the evidence. sive with the jurisdictions for which they are created and the legislation peal dismissed. in regard to assaults with deadly J. M. Davidso weapons has not taken this jurisdiction away but has conferred a concurrent jurisdiction over them upon the lower courts where the assault is not of a highly aggravated character.

See Naihe v. Kuan, 4th Haw., 297. It is not essential that it appear in the indictment that the accused has been committed for trial. This is a matter for the presiding Justice get towels and a dressing-room for when examining the indictment presented to him for allowance.

upon the indictment that the offense made.

was not of a highly aggravated character and that the Police Justice might well have taken summary jurisdiction of it, this would not oust the Supreme Court of its concurrent jurisdiction. In such a case the de-fendant would not be prejudiced, for the presiding Justice in the exercise of his discretion over the punishment would be authorized to impose a penalty within the limits of the jurisdic-tion of the Police Court.

The case cited by defendant's counsel, State v. Hilton, 22 N. H., 285, is not in point. There, the indictment left out the word "knife," so as the Court say "all that part of Courts over an assault with a weapon obviously and imminently dangerous to life, and when an indictment charging such an offense is presented it need not be averred that the accused has been committed for trial for the reason that the committing magistrate was of opinion that the penalty which he was authorized to impose was inadequate. The fact of such commitment affords the conclusive presumption of law that such was his opinion. the indictment which went to make Court held that before the Court of Criminal Pleas could take cognizance OPINION OF THE COURT PER JUDD, C. J. of an indictment for an assault and battery it must appear that respond-An indictment charging the defendant with an assault with a fore a Justice of the Peace and weapon obviously and imminently bound over to appear at the succeeding term of the common pleas, and Young on the Sth April, 1891, in that it was the intention of the sta-Honolulu, Island of Oahu, was pretate to confine the trial of common assaults and batteries to Justice of

the Peace. In our case the jurisdictional facts are set forth in the indictment, for an offense is there set out of which the Supreme Court has original jurisdiction, and in all such cases the proceeding is by indictment upon a commitment by a Police or District Justice. This part of the procedure it is not necessary to set out in the indictment any more than the fact upon the records or files herein nor that the accused was arrested for the offense upon a warrant issued upon sworn information.

We overrule the plea. Attorney General Whiting for the Crown; Ashford & Ashford for defendant. Honolulu, August 12th, 1891.

In the Supreme Court, of the Hawaiian Islands. In Banco.

July Term, 1891.

CHIN HEE VS. HO KAM YE.

APPEAL FROM DECISION OF JUDD, C. J.

DOLE, J. J., M'CULLY, J., ABSENT. A Plea in Abatement on the ground

of Infancy, sustained. wit, of 1870, 1880 and 1882, confer OPINION OF THE COURT PER BICKERTON, J. This is a bill in equity for relief concurrent jurisdiction with the under the Act "to regulate the pas-Supreme and Circuit Courts of all sage of water over the lands of those cases of assault with knives, sword not benefitted thereby." The decanes and other weapons obviously fendant pleads in abatement on the dangerous to life, and in cases grounds that the plaintiff, Chin Hee,

hundred dollars and by imprison-ment at hard labor not exceeding volved in this case; it is simply a two years, but in cases where such question of fact to be found on the punishment would be inadequate, evidence, viz: Is Chin Hee, the the offender shall be committed for plaintiff in this case, the infant son trial according to existing provi- of Wai Lam and was a certain lease made to the said infant, or was the It is thus made optional with the person Ah Yeong Ho, who presented lower courts either to take jurisdic- himself to the Court as plaintiff, the

for trial. He has declined to enter- "Chin Hee" and who signed the tain summary jurisdiction. There complaint in this case and swore to arises then, a conclusive presumption of law that the magistrate has known as Ah Ho, his full Chinese found the case to be of such a nature name being Ah Yeong Ho. The that a sentence of two hundred dol- lease in question, which created the lars fine and two years imprisonment | estate in Waimalu, Ewa, concerning at hard labor would be inadequate which relief is asked by this complaint, was made to "Chin Hee," son It is not necessary that he should of Wai Lam, the infant referred to. have so certified in his transcript of This was testified to by Wai Lam missioner of Private Ways.

The is a bold attempt by Ah Ho to

Upon a careful review of the evi-

dence, which is conflicting in its na-

impose upon the Court.

The plea is sustained and the ap-J. M. Davidson for plaintiff; W. R. Castle for defendant.

Honolulu, August 12, 1891. The ideal bath-houses are in Birmingham, England, and are from eighty to one hundred feet long and from three to five feet deep. The poor bathe for a penny, or two of our cents, while the well-to-do develop swimming classes, and If it should appear on the trial from these expert swimmers are